

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ELIZABETH PYLES, individually and on
behalf of others similarly situated,

Plaintiff,

v.

AMGUARD INSURANCE COMPANY,

Defendant.

Case No. 2:20cv5755

Judge Edmund A. Sargus

Magistrate Judge Kimberly A. Jolson

**DEFENDANT'S SECOND UNOPPOSED MOTION TO MODIFY THE SCHEDULING
ORDER**

Defendant AMGUARD INSURANCE COMPANY respectfully moves the Court to amend the Scheduling Order so that any motion related to venue or jurisdiction shall be filed by March 24, 2021. A memorandum in support of this motion is attached hereto and a proposed entry granting this motion will be e-mailed to jolson_chambers@ohsd.uscourts.gov pursuant to CM/ECF PROCEDURES GUIDE § 2.4.

Respectfully Submitted,

/s/ Elizabeth E. Cary

Sabrina Haurin (0079321)

Elizabeth E. Cary (0090241)

BAILEY CAVALIERI LLC

10 West Broad Street, Suite 2100

Columbus, OH 43215

Telephone: (614) 221-3155

Fax: (614) 221-0479

shaurin@baileycav.com

ecary@baileycav.com

*Attorneys for Defendant AmGUARD
Insurance Company*

MEMORANDUM IN SUPPORT

Plaintiff ELIZABETH PYLES filed her Complaint on November 5, 2020. Defendant AMGUARD INSURANCE COMPANY (“AmGUARD”) was served with the Complaint on or about December 1, 2020. The parties agreed to extend AmGUARD’s deadline to move or plead in response to the Complaint to March 13, 2021 so that the parties could informally exchange information and work toward a resolution of the case. (Doc. 15.) The Court granted that request on February 10, 2021. (Doc. 16.) Commensurate with the extension to move or plead, the Court amended the Scheduling Order extending the deadline to file any motion related to venue or jurisdiction to March 13, 2021. (*Id.*)

On March 10, 2021, Plaintiff filed an Amended Complaint, adding a new party, Randolph Legair, as a plaintiff. (Doc. 17.) Given the addition of a new party and AmGuard’s need to investigate Legair’s claims, the parties seek to amend the Scheduling Order so that any motion related to venue or jurisdiction shall be due on the same date as AmGuard’s deadline to move or plead, that is March 24, 2021, plus any subsequent extensions thereof. This is AmGUARD’s second request to amend the Scheduling Order. Plaintiffs, through their counsel, do not object to this request.

A copy of a proposed entry granting this motion will be e-mailed to jolson_chambers@ohsd.uscourts.gov pursuant to CM/ECF PROCEDURES GUIDE § 2.4.

Respectfully Submitted,

/s/ Elizabeth E. Cary

Sabrina Haurin (0079321)

Elizabeth E. Cary (0090241)

BAILEY CAVALIERI LLC

10 West Broad Street, Suite 2100

Columbus, OH 43215

Telephone: (614) 221-3155

Fax: (614) 221-0479

shaurin@baileycav.com

ecary@baileycav.com

*Attorneys for Defendant AmGUARD
Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion was filed with the Clerk of Courts using the ECF system, which will send notification of such filing to all attorneys of record on March 11, 2021:

STEPHEN G. WHETSTONE (0088666)
Whetstone Legal, LLC
P.O. Box 6, 2 N. Main Street, Unit 2
Thornville, Ohio 43076
steve@whetstonelegal.com

J. BRANDON McWHERTER
(TN Bar # 21600) (admitted via *pro hac vice*)
McWherter Scott Bobbitt PLC
341 Cool Springs Blvd., Suite 230
Franklin, TN 37067
brandon@msb.law

ERIK D. PETERSON (KY Bar 93003) (admitted *pro hac vice*)
Mehr, Fairbanks & Peterson Trial Lawyers, PLLC
201 West Short Street, Suite 800
Lexington, Kentucky 40507
edp@austinmehr.com

Attorneys for Plaintiff and Putative Class Representative

I also served via email the following attorneys who have not yet been admitted *pro hac vice* on March 11, 2021:

T. JOSEPH SNODGRASS (MN Bar #231071) (*pro hac vice* request to be submitted)
Larson • King, LLP
30 E. 7th Street, Suite 2800
St. Paul, MN 55101
jsnodgrass@larsonking.com

Attorneys for Plaintiff and Putative Class Representative

/s/ Elizabeth E. Cary
Elizabeth E. Cary (0090241)